

53

00-2-0614

Entered - 03/03/00 - sb
CL00L0111 - DIANNE C. MITCHELL

CLAIM OF: A. TOM JONES,
through his attorney,
Randolph G. Rich
P. O. Box 1246
Lawrenceville, Georgia 30046

For damages alleged to have been sustained as a
result of an unconstitutional sanitation tax for
1999 at 738 and 742 Myrtle Street.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

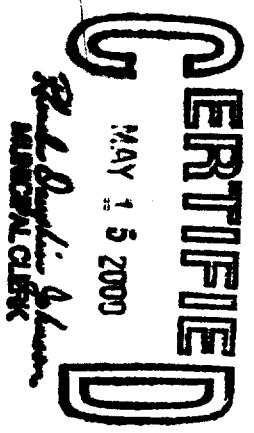
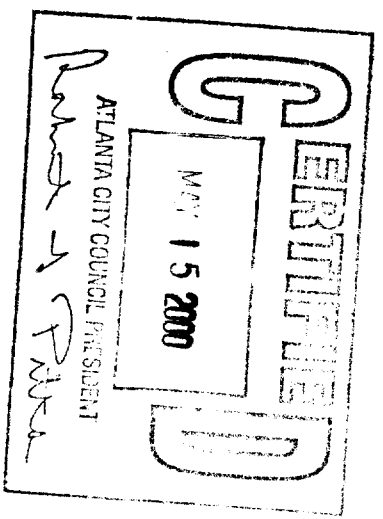
P.S. & L.A.

5/9/00

C.T. Marks

Doris Akel

[Handwritten signatures and initials]



ADVERSED BY
CITY COUNCIL MAY 15 2000



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

June 9, 2000

Randolph G. Rich
Attorney at Law
P.O. Box 1246
Lawrenceville, GA 30046

00-R-0614

RE: A. Tom Jones

Dear Attorney Rich:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0111

Date: April 6, 2000

Claimant /Victim _____ A. TOM JONES
BY: (Atty) _____ Randolph G. Rich
Address: _____ P. O. Box 1246, Lawrenceville, Georgia 30046
Subrogation: _____ Claim for Property damage \$ 1,590.92 Bodily Injury \$ _____
Date of Notice: 02/22/00 Method: Written, proper _____ X _____ Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X _____ Ante Litem (6 Mo.) _____ X
Date of Occurrence 1999 Place: 738 and 742 Myrtle Street
Department Public Works Division: Sanitary Services
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he has been damaged due to an unconstitutional sanitary service tax. The claimant has filed a lawsuit to resolve the issues raised in this claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
 Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
 Traffic citations issued: City Driver _____ Claimant Driver _____
 Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ X _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ X _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ (Adverse) ☒ Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: *[Signature]* Concur/date *04-06-08*
Committee Action: _____ Council Action _____

RICH & SMITH
ATTORNEYS AT LAW



Mitchell
03/01/00
[Signature]

ENTERED - 3-1-00 - SB
00LO111 - DIANNE MITCHELL

February 15, 2000

The Honorable Bill Campbell
Mayor, City of Atlanta
550 Trinity Avenue, S.W.
Atlanta, Georgia, 30335

FEB 22 2000

Re: Ante Litem Notice
Unconstitutional Tax
See property tax references attached hereto as Exhibit "A"

Dear Mayor Campbell:

Please be advised that this firm represents the property owners listed in Exhibit "A" in relation to the City's unconstitutional taxation of property listed in Exhibit "A."

This notice is sent pursuant to O.C.G.A. §36-33-5 to place the City on notice of said taxpayers intention to sue the city for illegally attempting to assess and collect such unconstitutional tax during the tax year 1999.

For each of the listed parcels, the property owner is being taxed for sanitation services when in fact the property is either vacant or utilizes private sanitation services. None of the owners listed in Exhibit "A" has ever used or derives any benefit from the City of Atlanta sanitation services.

Under the holding of Monticello LTD v. City of Atlanta, Ga., 231 Ga. App. 382 (1998) such tax is illegal, unconstitutional, and otherwise in violation of the laws of the State of Georgia.

By virtue of said illegal tax my client has been injured in an amount equal to the amount shown on Exhibit "A." Please be advised that should the City fail to withdraw its demand for payment of said taxes, as received by my clients on August 1, 1999, a lawsuit will be filed seeking a declaration that the tax is unconstitutional and prohibiting the City from attempting to collect said funds. Again, this letter is sent to place the City on notice of such claim under the

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GEORGIA 30046
(770) 513-4801
(770) 513-4802 FAX

randyrich@richandsmith.com


Tom A. Jones

provisions of O.C.G.A. §36-33-5, as well as all other provisions of law regarding my clients' claims.

Demand is also hereby made to remove any and all fi fa liens attached by the City of Atlanta to the properties listed on Exhibit "A."

If you have any questions regarding this matter or would like additional information regarding the claims asserted hereunder, please feel free to contact me at your convenience. Please acknowledge receipt of this notice of claim as provided by law.

Sincerely,



Randolph G. Rich

Enclosures

cc: Mark Chandler



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GEORGIA 30046
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00-*R*-0614

COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED

RCS# 1952
5/15/00
4:01 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 11)

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	NV Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0654
00-O-0396
00-R-0329

COUNCIL PRESIDENT PITTS
ABSTAINED ON 00-O-0523

COUNCILMEMBER MARTIN
ABSTAINED ON 00-R-0660

05/15/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0204 2. 00-O-0523 3. 00-O-0649 4. 00-O-0650 5. 00-O-0255 6. 00-O-0397 7. 00-O-0398 8. 00-O-0568 9. 00-O-0050 10. 00-O-0530 11. 00-O-0531 12. 00-O-0656 13. 00-O-0378 14. 00-O-0651 15. 00-O-0652 16. 00-O-0657 17. 00-O-0664 18. 00-O-0665 19. 00-R-0623 20. 00-R-0633 21. 00-R-0678 22. 00-R-0399 23. 00-R-0400 24. 00-R-0587 25. 00-R-0624 26. 00-R-0660 27. 00-R-0591 28. 00-R-0692 29. 00-R-0597 30. 00-R-0621 31. 00-R-0622 32. 00-R-0629 33. 00-R-0630 	<ol style="list-style-type: none"> 34. 00-R-0598 35. 00-R-0599 36. 00-R-0600 37. 00-R-0601 38. 00-R-0602 39. 00-R-0603 40. 00-R-0604 41. 00-R-0605 42. 00-R-0606 43. 00-R-0607 44. 00-R-0608 45. 00-R-0609 46. 00-R-0610 47. 00-R-0611 48. 00-R-0612 49. 00-R-0613 50. 00-R-0614 51. 00-R-0615 52. 00-R-0616 53. 00-R-0617 54. 00-R-0618 55. 00-R-0619 56. 00-R-0620 57. 00-R-0627 58. 00-R-0628 59. 00-R-0631 60. 00-R-0632